

MARK E. MILLER (S.B. # 130200) markmiller@omm.com
ANNE E. HUFFSMITH (S.B. # 236438) ahuffsmith@omm.com
O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Floor
San Francisco, California 94111-3823
Telephone: 415.984.8700
Facsimile: 415.984.8701

Attorneys for Defendant and Counterclaimant
MICREL, INC.

David N. Kuhn (State Bar #73389)
Attorney-at-Law
144 Hagar Avenue
Piedmont, CA 94611
Telephone: (510) 653-4983
E-mail: dnkuhn@pacbell.net

Attorney for Plaintiff and Counterdefendant
GREGORY BENDER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GREGORY BENDER,

Plaintiff and
Counterdefendant,

v.

MICREL, INC.,

Defendant and
Counterclaimant.

Case No. C09-01144 SI

**STIPULATION AND [PROPOSED]
ORDER**

1 WHEREAS the deadline for Micrel, Inc. to serve Patent L.R. 3-3 and 3-4 Disclosures is
2 currently set for December 21, 2009 (D.E. 29);

3 WHEREAS Micrel's Motion to Strike or Compel Patent L.R. 3-1 Compliant Infringement
4 Contentions is currently pending and will not be heard until February 12, 2010 (D.E. 30 and 36);

5 THEREFORE, pursuant to Civil Local Rule 6-2(a), the parties hereby STIPULATE and
6 AGREE that the deadline for Micrel to serve Patent L.R. 3-3 and 3-4 Disclosures is the **later** of
7 (a) 45 days after Bender serves infringement contentions that comply with Patent L.R. 3-1, OR
8 (b) 14 days after the Court decides Micrel's Motion To Strike or Compel Compliant Infringement
9 Contentions. The subsequent Patent Local Rules deadlines will follow from the modified Patent
10 L.R. 3-3 and 3-4 deadline. The declaration required by Civil Local Rule 6-2(a) is attached. (*See*
11 *Huffsmith Declaration.*)

12 Respectfully submitted,

13 By: /s/ Mark E. Miller

14 Dated: December 18, 2009

Mark E. Miller
O'Melveny & Myers LLP
Counsel for Defendant and Counterclaimant
MICREL, INC.

16 Dated: December 18, 2009 By:

/s/ David N. Kuhn

17 David N. Kuhn
Attorney-at-Law
Counsel for Plaintiff and Counterdefendant
18 GREGORY BENDER

19 Pursuant to General Order No. 45 X(B), I hereby attest that concurrence in the filing of
20 this document has been obtained from each of the above-listed signatories.

21 Respectfully submitted,

22 Dated: December 18, 2009

By: /s/ Anne E. Huffsmith

23 Anne E. Huffsmith
O'Melveny & Myers LLP
Counsel for Defendant and Counterclaimant
24 MICREL, INC.

26 PURSUANT TO STIPULATION IT IS SO ORDERED:

27 Dated: _____



28 The Honorable Susan Illston
United States District Judge